

column 5, lines 58-67 of the Blake et al. reference, referring to "enzymatically hydrolyzing the soy protein with pepsin" to produce the modified hydrolyzed soy protein whipping agent.

Referring to the middle of page 3 of the Office Action, the Examiner herself recognizes that the Blake et al. reference discloses "soy protein hydrolyzates" (rather than acid-soluble soybean protein employed in the present invention).

In contrast thereto, the present invention as claimed uses an acid-soluble soybean protein obtained in the manner recited in claim 1. This is illustrated by the disclosure beginning at page 9, line 5 of the present specification, it being noted that this disclosure fails to mention anything about using an enzyme (such as the pepsin referred to above from the Blake et al. reference) in producing the acid-soluble soybean protein.

Thus, the present invention relates to an acidic whipping cream containing an acid-soluble soybean protein subjected to the two steps (A) and (B) in claim 1. The invention provides an acidic whipping cream which has a good whipping property and shape-retention comparable to whipped neutral cream, even if either milk protein which is an essential component for conventional whipping cream, or thickener such as polysaccharide which is an essential component for Blake et al., is not used.

As indicated above, Blake et al. disclose an aerated acidic frozen dessert containing a soybean peptide, which is obtained by hydrolyzing soybean protein, as a whipping agent.

Bradford et al. disclose acid-soluble soybean protein isolate obtained by adding aluminum ion for inactivating a phytic acid. However, the soybean protein isolate is hydrolyzed with protease (an enzyme) when using it as a whipping agent in Bradford et al.

Therefore, both Blake et al. and Bradford et al. disclose soybean peptide (not soybean protein) as the whipping agent.

Thus, a skilled person in the art would not obtain any suggestion from either of these references which would lead the art-skilled to the presently claimed invention wherein the acid-soluble soybean protein (not hydrolyzed protein) is used for a whipping agent, thereby obtaining an acidic whipping cream which has good whipping property and shape-retention comparable to whipped neutral cream.

Accordingly, even if the Blake et al. and Bradford et al. references were combined, the result of such combination would still not suggest the presently claimed invention.

For these reasons, Applicants take the position that the rejection of the claims based on these references should be withdrawn.

Therefore, in view of the foregoing remarks, it is submitted that the ground of rejection set forth by the Examiner has been overcome, and that the application is in condition for allowance. Such allowance is solicited.

Respectfully submitted,

Setsuo TSUJII et al.

By 

Michael R. Davis

Registration No. 25,134

Attorney for Applicants

MRD/pth  
Washington, D.C. 20005-1503  
Telephone (202) 721-8200  
Facsimile (202) 721-8250  
January 29, 2010